



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Chairman

*5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041*

S-L 99-29

August 1, 2002

MEMORANDUM TO: Board Members

FROM: Lori L. Scialabba *LLS*
Acting Chairman

SUBJECT: Additional Streamlining Categories-Motions

In addition to the authority already provided in 8 C.F.R. § 3.1(a)(1) for single Board Members to exercise the authority of the Board of Immigration Appeals, and pursuant to the authority delegated to me in 8 C.F.R. § 3.1(a)(1), I hereby designate the following category of cases to be cases involving "other procedural or ministerial issues" which are appropriate for review and disposition by a single Board Member exercising the authority of the Board of Immigration Appeals:

Procedural & Ministerial

- A. Motions to reconsider based solely on the argument that the case should not have been affirmed without opinion by a single Board Member. Such motions are barred by regulation. See 8 C.F.R. § 3.2(b)(3).
- B. Routine Motions in which the reviewing Board Member finds that the motion clearly has merit under statute, regulation, or case law and should be granted or clearly lacks merit under statute, regulation, or case law and should be denied.
- C. Reopen and reinstate proceedings where it appears that a motion relating to a matter pending before the Board was timely received but, through administrative error, was not associated with the record of proceeding and considered by the Board before it rendered a decision. In this situation, a single Board Member may reopen, reinstate proceedings, consider the motion, and enter a new decision which includes disposition of the motion if the Board Member finds that the motion is a routine matter under statute, regulation, or case law which clearly has merit and should be granted or clearly lacks merit and should be denied.